



## CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 01/11/01

Agenda Item 2

**TO:** Planning Commission

**FROM:** Tim Koonze, Development Services Specialist

**SUBJECT:** Tentative Map Tract 7248 - Raymond and Thomas Botelho (Owners) and Kurt Roessler (Subdivider): Request to subdivide 1 .0  $\pm$  acre into 6 lots on States and Lassen Streets located within a **RSB4** (minimum 4,000 square-foot lot size) District.

### RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find that the project is categorically exempt **from** the provisions of the California Environmental Quality Act; and
2. Approve Tentative Map Tract 7248 subject to the attached findings and conditions of approval.

### DISCUSSION:

#### Property and Project Description

The project is located between States and **Lassen** Streets **100 $\pm$**  feet south of Folsom Avenue. There are no structures on the relatively flat, one-acre property. There are three trees on the tract site, but only the largest tree, a California Pepper tree, that is situated on proposed lot 5, is worthy of saving. Due to the tract design there is an opportunity to save the tree, because it is located toward the rear of the lot. A condition of approval requires that the tree be saved and that protective measures be used during construction. The two smaller trees are not worthy of saving and will probably be removed at the time of future construction.

The proposed **6,000 $\pm$ -square-foot** parcels are consistent with the surrounding single-family parcels, which range in size from **4,800 $\pm$**  to **6,800 $\pm$**  square-feet. **Lassen** Street is fully dedicated and fully improved. The dedicated portion is designated as Parcel A on the tentative map. The subdivision's conditions of approval require a **22.5-foot-wide** dedication and the installation of curb, gutter, sidewalk and tie-in paving along the States Street frontage. The portion of States Street that is to be dedicated is identified as Parcel B on the tentative map. The existing utilities within **Lassen** and States Streets are adequate to serve the project.

In accordance with the General Plan Zoning consistency Matrix, the proposed development, at 5.9 dwelling units per net acre, is considered potentially consistent with the General Plan Map, which designates this area as Limited Medium Density, 8.7 - 12.0 units an acre. The project is in conformance with the residential density policy of the Tennyson-Alquire Neighborhood Plan which states, "*Lower planned residential densities in the Tennyson-Alquire area to maintain a predominantly single-family residential character.*" It is also consistent with the RSB4 Zoning District as all of the proposed lots exceed the minimum lot size of 4,000 square feet and all minimum lot dimensions.

#### Environmental Review

This project is categorically exempt from the provisions of the California Environmental Quality Act under Section 15332, "In-Fill Developments. "

#### Preliminary Meeting/Public Hearing Notice

A preliminary meeting was held on November 16, 2000. Only the applicant and City staff were in attendance. No response was received from the notice that was sent to all property owners and residents within 300 feet of the property. On December 29, 2000, a public hearing notice was sent to all residents within 300 feet of the property and on December 30, 2000 a public hearing notice was posted in the Daily Review.

#### Conclusion

The proposed project is consistent with the General Plan Map, the Tennyson-Alquire Neighborhood Plan, and Zoning Ordinance requirements. Because the map requires no variances and is not vesting, the Planning Commission's action is final.

Prepared by:



Tim Koonze

Development Services Specialist

Recommended by:



Dyana Anderly, AICP

Planning Manager

Attachments:

- A. Vicinity Map
- B. Findings for Approval
- C. Conditions of Approval
- Tentative Map Tract 7248



**FINDINGS FOR APPROVAL  
TENTATIVE TRACT MAP 7248**

- A. That approval of Tentative Tract Map 7248, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from California Environmental Quality Act (CEQA) under Section 15332, "In-fill Developments".
- B. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Policies Plan.
- C. The site is physically suitable for the proposed type and density of development.
- D. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- E. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- F. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- G. Upon completion of the proposed improvements, the existing streets and utilities are adequate to serve the project.
- H. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the tentative tract map is granted subject to the recommended conditions of approval.

**CONDITIONS OF APPROVAL,  
TENTATIVE TRACT MAP 7248**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

**PRIOR TO THE RECORDATION OF THE FINAL MAP**

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**States Street**

1. Curb, gutter, a 4-foot-wide sidewalk abutting the curb, and tie-in paving shall be installed across the property frontage to coincide with the frontage improvements on the adjacent parcels.

**Utilities**

2. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
3. Water service shall be made available from States and ~~Lassen~~ Streets and is subject to standard conditions and fees in effect at time of application.
4. Each dwelling unit shall have an individual water meter.
5. Each unit shall have a separate sewer lateral connection.

**ATTACHMENT C**

## **Grading**

6. A grading and drainage plan shall be submitted to the City Engineer for review and approval. The on-site storm drainage systems shall be a private systems designed in accordance with the requirements of the City of Hayward.
7. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after the construction phase, shall be submitted for review and approval by the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.
8. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify Best Management Practices (**BMPs**) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
9. The project plan measures shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the **ABAG** Erosion and Sediment Control Handbook.
10. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction **BMPs** will result in the issuance of correction notices, citations, or a project stop order.
11. All catch basins receiving drainage from the parking areas and driveway shall be equipped with fossil filters or other approved facilities.
12. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities (i.e., telephone and electrical poles), including transformers on the site.
13. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 5-foot-wide Public Utility Easement in accordance with City Engineer requirements or, where applicable, the Fire Chief.
14. All service to dwellings shall be an “underground service” designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Cable regulations.

## **Landscaping**

15. Street trees shall be provided along the **Lassen** and States Streets frontages. The number, location and species of tree shall be approved by the City’s Landscape Architect.

## **Walls**

16. All proposed retaining walls shall be constructed with reinforced concrete.

## **Dedications and Easements**

17. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
18. The final map shall indicate a 22.5 -foot-wide public street dedication along the States Street frontage creating an ultimate 45-foot-wide street right-of-way.
19. The final map shall include the dedication of a 6-foot-wide public utility easement, abutting the right-of-way, of both streets.

## **Subdivision Agreement**

20. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

## **DURING CONSTRUCTION**

21. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
  - b. Grading and construction equipment shall be properly muffled;
  - c. Unnecessary idling of grading and construction equipment is prohibited;
  - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - e. Applicant/developer shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise;
  - f. Daily clean up of trash and debris shall occur on States and **Lassen** Streets;

- g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- h. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- i. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- j. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- k. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- l. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- m. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- n. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- o. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- p. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- q. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;



- r. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm **drain** or stream. See “*Building Maintenance/Remodeling*” flyer for more information;
  - s. Ensure that concrete&unite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - t. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
22. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
23. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
24. The California Pepper Tree located on Parcel 5 shall be saved. No construction shall take place within 10-feet of the tree trunk.

**PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

25. The applicant/developer shall pay the following fees;
- a. Supplemental Building Construction and Improvement Tax; and
  - b. School Tax; and
  - c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
26. Prior to granting occupancy, water services shall be installed by City crews at the developer’s expense. The application for water services shall be presented to the City Inspector.
27. The street light electroliers shall be in operating condition as approved by the City Engineer.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

28. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
  29. An AC overlay along the **Lassen** Street frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
  30. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Cable Company shall be installed to the satisfaction of the respective companies.
- 3 1. The subdivider shall submit an “as built” plan indicating the following:
- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, AT&T Cable, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.
32. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.